

SEP 28 1983

**EXECUTIVE SECRETARY**  
**THROUGH: Assistant Secretary (Enforcement and Operations)**  
**Commissioner of Customs (Signed) William von Raab**

**Withholding of Release of Merchandise from Soviet Union Which  
May be Produced by Convict, Forced, or Indentured Labor**

Submitted for your approval is a document prepared for publication in the Federal Register which advises that in accordance with section 307, Tariff Act of 1930 (19 U.S.C. 1307) and section 12.42, Customs Regulations (19 CFR 12.42), I have determined on the basis of information reasonably available that certain articles from the Soviet Union may be now, or are likely to be, imported into the United States, which are being produced whether by mining, manufacture, or other means, with the use of convict, forced, or indentured labor. While we realize that section 12.42 does not necessarily require publication of this type of notice, we believe the importing public deserves notice of actions of this magnitude. In addition, publication removes any possible legal objections based upon lack of notice.

We propose that, effective 5 days from the date of publication of the notice in the Federal Register, the release for consumption or withdrawal from warehouse for consumption of the specified articles, be withheld. Customs officers will be instructed to withhold release of any such articles pending instructions as to whether they may be released otherwise than for exportation.

As you are aware, in February of this year, the Department of State, in a letter of transmittal accompanying its Report To The Congress On Forced Labor In The USSR, declared that forced labor is used "to produce large amounts of primary and manufactured goods for both domestic and Western export markets." Senator William L. Armstrong of Colorado has inquired as to what Customs is doing to prevent such articles from being imported into the United States. Further, the lack of enforcement of 19 U.S.C. 1307 is raised in an article on forced labor in the Soviet Union published in the Reader's Digest in September 1983. I believe

Simpson

Schaffer

De Angelus

Abbey

Newcomb  
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that many other members of Congress and the American public are also concerned with this matter and would support this effort on our part to ensure that such articles are not imported. Accordingly, it is recommended that you approve the document as soon as possible.

Approved \_\_\_\_\_

Disapproved \_\_\_\_\_

MMAmernick:s1:9/28/83

ADM-9-03:CO:R:R:R:mma

DEPARTMENT OF THE TREASURY  
UNITED STATES CUSTOMS SERVICE

19 CFR Part 12

(T.D. 83- )

WITHHOLDING OF RELEASE OF MERCHANDISE FROM SOVIET UNION WHICH  
MAY BE PRODUCED BY CONVICT, FORCED, OR INDENTURED LABOR

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of Withholding of Release of Merchandise.

SUMMARY: This document advises that based on available information, the Commissioner of Customs has made a finding which indicates that certain articles imported in the United States from the Soviet Union may be produced, whether by mining, manufacture, or other means, with the use of convict labor, forced labor, or indentured labor under penal sanctions. Because such merchandise is being, or is likely to be, imported into the United States in violation of the Tariff Act of 1930 and the Customs Regulations, the release from Customs custody for importation of any of the specified articles is being withheld pending a final determination on this issue.

DATE: This withholding shall take effect on (5 days after date of publication in the Federal Register).

FOR FURTHER INFORMATION CONTACT:

John P. Simpson, Director, Office of Regulations and  
Rulings, Headquarters, U.S. Customs Service, 1301  
Constitution Avenue, NW., Washington, D.C. 20229  
(202) 566-2507.

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**SUPPLEMENTARY INFORMATION:**

**BACKGROUND**

Section 307, Tariff Act of 1930 (19 U.S.C. 1307), provides, in part, that "all goods, wares, articles, and merchandise mined, produced, or manufactured wholly or in part in any foreign country by convict labor or/and forced labor or/and indentured labor under penal sanctions shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision."

"Forced labor", as used in 19 U.S.C. 1307, is defined to "mean all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily."

Based upon 19 U.S.C. 1307, section 12.42, Customs Regulations (19 CFR 12.42), sets forth a procedure for the Commissioner of Customs to make a finding that an article is being, or is likely to be, imported into the United States which is being produced, whether by mining, manufacture, or other means, in any foreign locality with the use of convict labor, forced labor, or indentured labor under penal sanctions so as to come within the purview of 19 U.S.C. 1307.

Paragraph (e) of section 12.42, Customs Regulations, provides that if the Commissioner of Customs finds at any time that information available, reasonably but not

conclusively, indicates that merchandise within the purview of 19 U.S.C. 1307 is being, or likely to be, imported, he will promptly advise all district directors of Customs accordingly and the district directors shall withhold release of the merchandise from Customs custody pending instructions as to whether the merchandise may be released otherwise than for exportation.

#### FINDING

Pursuant to section 12.42(e), Customs Regulations, information available reasonably, but not conclusively, indicates that certain articles of the Soviet Union are being, or are likely to be imported into the United States, which are being produced, whether by mining, manufacture, or other means, with the use of convict, forced, or indentured labor. Accordingly, on and after (5 days after the date of publication in the Federal Register) the release from Customs' custody for consumption or withdrawal from warehouse for consumption of the following articles from the Soviet Union shall be withheld:

Articles	Item Number from Tariff Schedules (19 U.S.C. 1202)
Lumber	202.02-202.66
Furniture	727.11-727.55
Clock Cases (Wood)	720.34
Radio-TV Cabinets	685.18, 685.29, 685.36
Chess Pieces (Wood)	734.15
Wooden Souvenirs	207.00
Wooden Crates	204.10-204.30
Cardboard Boxes	256.48-256.54
Cathode Ray Tubes and Components	687.35-687.54

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Resistors	686.10
Camera Lenses	708.03, 708.23
Glassware including Chandeliers	Schedule 5, Part 3, Subpart C- Item 545.11- 548.05
Auto Parts	692.32) Note-Because of ) General Headnote 10
Wheel Rims	692.32) (i-j) parts are ) entered through- ) out the
Agricultural Parts	666.00) TSUS, mainly in ) Schedule 6
Gold Ores	601.39
Iron Ore and Maganese Ore	601.24, 601.27
Bauxite	601.06
Uranium Ore	601.57
Coal Lignite	521.31
Asbestos	518.11
Limestone Crushed	513.35-513.26
Construction Stone	513.61-515.54
Gravel	513.14
Men's-Boy's Ornamented Coats-Cotton	379.02, 379.06, 379.08
"        "        "        "    -Wool	379.13, 379.17
"        "        "        "    -Man Made fibers	379.23, 379, 31, 379.33
"        "        "        "    -Other	379.35
"        "        Not Orna- mented	-Cotton 379.39, 379.43-379.46
"        "        "        "    -Vegetable fibers ex- cept cotton	379.66, 379.69
"        "        "        "    -Wool	379.71, 379.75, 379.78, 379.81, 379.83
"        "        "        "    -Silk	379.86, 379.87

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"	"	"	"	-Man-made fibers	379.89, 379.94, 379.95
<b>Women's-Girl's Ornamented Coats</b>					
"	"	"	"	-Cotton	383.02, 383.05
"	"	"	"	-Wool	383.12, 383.15
"	"	"	"	-Man-made fibers	383.19, 383.22
"	"	"	"	-Other	383.25
<b>Not Ornamented Coats</b>					
"	"	"	"	-Cotton	383.28, 383.32-383.34
"	"	"	"	-Vegetable fibers except cotton	383.52, 383.53
"	"	"	"	-Wool	383.57, 383.62, 383.65, 383.68, 383.72
"	"	"	"	-Silk	383.77, 383.78
"	"	"	"	-Man-made fibers	383.81, 383.88, 383.90
					704.05-705.90
<b>Gloves</b>					

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<b>Boots</b>	<b>Schedule 7, Part 1, Sub- part A - Item 700.10- 700.71</b>
<b>Buttons</b>	<b>745.04-745.42</b>
<b>zippers (Slide Fasteners)</b>	<b>745.70-745.74</b>
<b>Chemicals</b>	<b>Schedule 4 - Item 401-02- 407.16, 415.05-432.25</b>
<b>Petroleum</b>	<b>475.05-475.70</b>
<b>Tea</b>	<b>160.50</b>
<b>Brick &amp; Tile</b>	<b>532.11-532.61</b>
<b>Watch Parts</b>	<b>720.20-720.30, 720.60, 720.65, 720.70, 720.75, 720.90</b>
<b>Fencing (Metal Wire)</b>	<b>642.35-642.87, 642.02</b>
<b>Mattresses</b>	<b>727.82-727.86</b>
<b>Screening</b>	<b>642.35-642.87</b>
<b>Drums-Barrels</b>	<b>640.20-640.30</b>
<b>Lids, of steel, for glass jars</b>	<b>657.25</b>
<b>Plumbing Equipment</b>	<b>Various</b>
<b>Storage Battery Cases</b>	<b>683.07</b>
<b>Concrete Products</b>	<b>511.31-511.71</b>
<b>Electric Plugs</b>	<b>685.90</b>
<b>Electric Cords</b>	<b>688.04, 688.25</b>
<b>Electric Heaters</b>	<b>684.40, 684.20</b>
<b>Electric Motors and Parts</b>	<b>682.20-682.60</b>
<b>Pumps</b>	<b>660.97</b>
<b>Bags of Textile Materials</b>	<b>385.45-385.55</b>



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Based upon this finding, Customs officers shall withhold release of any of these articles from the Soviet Union pending instructions as to whether they may be released otherwise than for exportation.

This withholding shall remain in force pending a final determination as to whether the merchandise listed in this notice is subject to 19 U.S.C. 1307.

(Signed) William von Raab

Dated:

Commissioner of Customs

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